

Testimony of Ann M. Catino
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&
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Commerce Committee

Proposed Bill No. 5425

My name is Ann Catino and I am a partner at the law firm of Halloran & Sage in Hartford. I have practiced for over 25 years in the area of environmental law. For the past several years, together with Gary O'Connor, I have been pleased to serve as co-chair of the Brownfield Working Group, formerly the State's Task Force on Brownfield Strategies.

By way of brief background, the Brownfield Working Group, formerly known as the Brownfields Task Force, was first created by the legislature in 2006 in order to provide to develop long-term solutions for cleaning up Brownfields. We served through 2009 and then in 2011, we were recast as the Brownfield Working Group. Permanently created in 2013, we are charged by our enabling legislation to examine our State's brownfields programs and policies, including DECD's funding programs, DEEP's remediation framework, permitting programs, and liability relief issues, and to make recommendations to you as to what we, as a State, need to do in order to incentivize brownfield redevelopment in all our towns. We meet approximately every three weeks from September through the present time with staff from DEEP and DECD, among other agency representatives.

I want to first thank Representative Berger, Representative Perone, Senator Hartley, and all of you for your leadership in tirelessly promoting the programs, funding the DECD grants and loan programs, and fashioning legislation from our Working Group proposals that are leading to redeveloping our state's Brownfields. Beginning in 2006, new laws were passed every year that broke ground on many new and innovative programs. The Office of Brownfield Remediation and Development was established and DECD and DEEP are working together on these programs and are making substantial progress under the very strong leadership of Tim Sullivan. More and more properties throughout the State are being remediated and restored to productive reuse. Not only do the programs promote the clean up of property, but brownfield redevelopment adds jobs, removes blight, restores a municipal tax base, and enhances communities. These programs have

implemented the vision of the Working Group for a predictable and clearer approach to developing our state's brownfields. The DECD and DEEP Commissioners and staff are to be commended for their support in all these initiatives.

There is, however, more to do to fill in the gaps. HB 5425 does just that. It establishes the creation of Connecticut Brownfield Land Banks. The proposed brownfield land bank would function as a mechanism for the acquisition of contaminated and abandoned or under-utilized commercial and industrial property for the purposes of sustainable long-term economic development. It is designed to create development-ready land, while marketing the property and ultimately transitioning it to uses that serve the long-term economic interests of the community. Making land "development ready" might involve site cleanup, hazardous building material abatement, demolition of structures, infrastructure improvements, clearing title, removing stagnant tax delinquencies, and securing appropriate zoning. In some cases, the land bank would also assemble adjoining parcels to create a unified and marketable mixed use, commercial or industrial park. While the property is being held, the advantage to the landbank (as qualified by DECD) is that the property would be held without incurring any additional property taxes; hence, making it attractive to any developer. Title issues would be cleared, back property taxes would be extinguished, and no new taxes would be levied.

A land bank would fill the gap and further minimize liability to municipalities who may not yet be ready to tackle or even hold a contaminated property. With the various challenges presented to a municipality, including limited resources and staff, the creation of a land bank could become a driving force for the assembly of the abandoned or underutilized property. While some municipalities and civic minded individuals already have created certain variations on this theme- of creating non-profit, non-stock economic development corporations, this land bank tool and concept provides more flexibility and certainty for the flow of funds, liability relief and redevelopment potential. Some towns already have an entity or agency (e.g. a redevelopment corporation or authority) that is empowered with tools to effectively take control of large inventories of brownfield sites and return them to productive use. However, such entities usually focus primarily on development and transitioning the property to an end user. While land banks may also fill this role for some municipalities, they also will be empowered to address blight

elimination and stabilization strategies in the more distressed neighborhoods in our cities and towns. Therefore, a land bank program fills a gap. And, it could also empower the existing corporations to do more.

Land banks have been used in other states – RI, NY, Ohio, Michigan, Georgia, under a state sponsored program or as delegated to a county or regional land bank. According to the Center for Community Progress, as of 2014, there are approximately 120 land banks and land banking programs throughout the country, largely created as a direct response to a growing inventory of brownfield sites that the private market may not be aware of or find too difficult to address. Legal (e.g., liability and title issues) and financial barriers may exist that the land bank could responsibly address without burdening the municipalities. Currently, the Connecticut Brownfield Land Bank is trying to facilitate brownfields redevelopment absent statewide land bank legislation and it focuses primarily on providing municipalities with technical assistance in the assessment, remediation, and redevelopment of brownfield sites. Similarly, some towns have the non-stock economic development corporation that function as land banks. However, all their missions would be accomplished and streamlined if such a statutory program existed. It is the next tool that needs to be established for Connecticut to have a vibrant brownfield program and bright future.

I look forward to working with you this session on this important legislation and on other brownfield initiatives important to the Brownfield Working Group.

THANK YOU.